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THE RECENTLY DISCOVERED CIVIL CODE OF HAMMURABI.

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ARCHÆOLOGICAL students have learned to seek in Rome the relics of ancient Jerusalem, but it is a surprise to find in the ruins of distant Susa the most important inscription which has yet come from the old Babylonian empires. The discovery was the work of the French expedition under M. de Morgan, which during the years 1897-99 excavated the great ruin of the ancient Elamitish capital. Contrary to all anticipations, the chief inscriptions uncovered were not those of the Persians, but of the Babylonians, who during the third millenium B. C. ruled Elam, and later were conquered by their eastern vassals. Already the excavations in the Tigris-Euphrates valley have revealed the close relations which once existed between these peoples. The American expedition found at Nippur a stone tablet, originally dedicated by Dungi, a king of ancient Ur, to the goddess Nana of Uruk, which had been carried away to Susa, and then in the fourteenth century B. C. brought back by Kurigalzu, a Kassite king of Babylon. Most of the Babylonian inscriptions, thus borne away by the conquerors, remained in Susa awaiting the modern excavator. Among these was a great monument commemorating a victory of the well-known king Naram-Sin (about 3700 B. C.). With the exception of two lines, its original inscription was chiseled off in order that Shutruk-Nachunde, the king, who about the twelfth century bore it to Susa, might record his achievement.

Another inscription, however, probably carried away from Sippar at the same time has fortunately lost but five lines. It is inscribed on a large stone monument of the famous Babylonian king Hammurabi. The face of the stele represents in bas-relief

the king himself standing before the sun-god of Sippar, who is seated on his throne with the circle and rod—the symbols of his authority—in his hand. The deity is in the act of delivering to Hammurabi the laws which are inscribed in sixteen long lines on the front and twenty-eight on the back of the monument. The inscription has been published by V. Scheil in the *Mémoires* of the “Délégation en Perse” (Tome IV, *Textes élamites sémitiques*), and freely translated into German by Hugo Winckler in *Der alte Orient* (Heft 4, 1902). A translation of the latter has also appeared in the *Independent* (January 7, 15, and 22). A complete English translation by Rev. C. H. W. Johns, Cambridge University, will soon be issued in the volume on *Babylonian and Assyrian Letters, Contracts and Laws* of the “Library of Ancient Inscriptions” (announced by Scribners).

The superlative importance of this code is due to the fact that it is not only remarkably well preserved, but also can be definitely dated, about 2250 B. C. It thus antedates by over a thousand years the oldest code hitherto known. Coming as it does from the reign of Hammurabi, the great conqueror who raised Babylon to its position of commanding prestige, it possesses a unique interest. Already a large volume of epistolary, monumental, and religious literature has been discovered bearing his name or dating from his age. Although one of the earliest, he is today one of the best-known characters of ancient history. By courage and ability as a military leader and organizer he liberated his people from the Elamite yoke and extended his boundaries so as to include the West Country (Palestine). It is possible that Hebrew tradition has preserved his name in the form of Amraphel, king of Shinar (the biblical designation of Babylon), who according to Genesis, chap. 14, together with Arioch, Chedorlaomer, and Tidal, invaded Palestine, to be ultimately repulsed by Abram the Hebrew. His inscriptions and letters tell of his great building enterprises. Most of the cities of northern Babylonia enjoyed the fruits of his energy and of his devotion to the well-being of his subjects. Not only did he build temples, palaces, and fortresses, but he also developed the canal system of Babylonia and figured as a devoted patron of agriculture.

His letters reveal his interest in maintaining justice within his realm and imply the existence of the highly developed code which has now been discovered. Three of these letters contain decrees that property, illegally claimed, be returned to its rightful owner. Another orders the investigation of a charge of bribery; another commands that a certain case be tried before the king. Several relate to the wages and proper treatment of hired servants.¹ All reveal an energetic, strong personality and a ruler who initiated and directed the great movements of his age. The new discovery also makes it possible to assign to him with confidence the few fragments of ancient law found in the famous library of Ashurbanipal.

Because of their commercial habits and prominence as traders, the Babylonians appear to have been the first people to develop an extensive legal system. For hundreds and probably thousands of years their laws and institutions were gradually taking form as their life became more complex and their judges were forced to render decisions on a greater variety of subjects. The wonderful clay found in abundance in their river-beds also facilitated in a remarkable manner the development of the art of writing—in which they figure as pioneers—and thus made it possible to preserve records of legal decisions and customs. Only in the light of these facts is found an explanation of the comprehensiveness and explicitness of the newly discovered code. As many centuries of human progress lie back of it as before it.

The character of Hammurabi, the independent records of his reign, his letters, and the great Babylonian empire of which he was the founder, however, all confirm his title as the father of human jurisprudence. His code may with assurance be regarded as the first extensive attempt to develop a systematic written legal system. That it was intended for the use of subjects as well as rulers is clearly stated in the epilogue:

Let the oppressed who has a case at law, come and stand before this my image as king of righteousness; let him read the inscription and understand my precious words. The inscription will explain his case to him; he will find out what is just, and his heart will be glad.

¹ Cf. KING, *The Letters and Inscriptions of Hammurabi*, Vol. III.

His words in the beginning of the epilogue are no idle boast:

Laws of justice which Hammurabi, the wise king, established. A righteous law and pious statute did he teach the land. Hammurabi, the protecting king, am I. I have not withdrawn myself from the men whom Bel gave to me, I was not negligent, but I made them a peaceful abiding place. I expounded all great difficulties, I made the light shine upon them. . . . The great gods have called me, I am the salvation-bearing shepherd (ruler), whose scepter is straight, the good shadow that is spread over my city; on my breast I cherish the inhabitants of the land of Sumer and Akkad (Babylonia); in my deep wisdom have I inclosed them; in my shelter I have let them repose in peace. That the strong might not injure the weak, in order to protect the widows and orphans, I have in Babylon, the city where Anu and Bel raise high their head, in E-Sagil, the temple, whose foundations stand firm as heaven and earth, in order to bespeak justice in the land, to settle all disputes, and heal all injuries, set up these my precious words, written upon my memorial stone, before the image of me, as king of righteousness.

It is significant that in the case of this oldest of codes its divine origin is taught as definitely as in that associated with the name of Moses. The Chaldean priest Berosus has preserved in its later form a Babylonian tradition that Oannes (corresponding to Ea, the god of the deep) emerged from the waters of the Persian Gulf bringing the elements of civilization and a code of laws.² The bas-relief on the monument of Hammurabi testifies to the early existence of the belief in the divine origin of law. In the superscription to the laws, in which the king calls down the blessings of the gods upon those who observe them and curses upon those who disregard them, he adds significantly: "Hammurabi the king of righteousness, to whom Shamash [the sun-god represented on the bas-relief] has presented the law, am I."

Two hundred and forty-five distinct laws, in a remarkably good state of preservation, can be deciphered. About thirty-five more have been erased, giving a total of about two hundred and eighty. Thus in number they are about three times greater than the primitive Hebrew code in Exod., chaps. 20-23. As a rule, those of the Hammurabi collection are longer and more detailed in their specifications than those of the early Old Testa-

² Cf. *Historical and Critical Contributions to Biblical Science* ("Yale Bicentennial Publications"), pp. 51, 52.

ment group. In form, theme, and enactments they present striking points of resemblance, especially to the so-called "Judgments" of Exod., chaps. 21 and 22. Practically all of them begin with the biblical formula: "If anyone does"

The systematic business methods of the Babylonians, and probably the organizing genius of the king himself, are revealed in the arrangement of the laws. In this respect the code as a whole differs from the Old Testament laws, where there is little evidence of classification; for here regulations dealing with the same theme are usually brought together, although occasional exceptions betray its oriental origin. No consistent system of classification, however, is followed throughout. Sometimes laws are grouped together because they deal with the same crimes or legal questions; but more commonly because they concern the same class or profession.

The collection is distinctively a civil code, and contains no religious or ceremonial regulations. As a revelation of the social, economic, and judicial organization of the ancient Babylonians it has no equal in all literature. In regard to a score of debated questions, it presents definite data in place of the previous vague conjectures.

It opens with four laws intended to prevent men from bringing suit or accusations against their neighbors without cause, for example:

If anyone bring an accusation of any crime before the elders, and does not prove what he has charged, he shall, if it be a capital offense charged, be put to death.

This enactment corresponds to the Deuteronomic law which declares that a false witness shall be punished for the crime which he falsely imputed to another (Deut. 19:16-21).

The regulation regarding the responsibility of judges is more strict than that of the Hebrews, which simply condemned bribery and injustice without specifying any definite penalty:

If a judge try a case, reach a decision and present his judgment in writing; if, later, error shall appear in his decision, and it be through his own fault, then he shall pay twelve times the fine set by him in the case, and he shall be publicly removed from the judge's bench, and never again shall he sit there to render judgment (5).³

³ Following the numbering of Winckler.

The next group of nineteen laws relates to theft and kindred crimes. Death is the penalty for stealing property from the court (king) or from the sanctuary of a god, unless the culprit has the means with which to pay a heavy fine.

If anyone steal cattle or sheep, or an ass, or a pig, or a boat, if it belong to a god or to the court, the thief shall pay thirty-fold therefor; if they belonged to a freedman (of the king) he shall pay ten-fold; if the thief has nothing with which to pay he shall be put to death (8).

The early Hebrew lawgivers ameliorated this drastic measure:

If a man shall steal an ox or a sheep, and kill it, or sell it, he shall pay five oxen for an ox, and four sheep for a sheep (Exod. 22:1).

In the case of lost property found in the possession of another, both systems enact that the plaintiff and defendant shall bring their case before the judges who shall investigate in detail. Whoever was proved to be wrong according to the older code was to be put to death, but according to the Old Testament legislation he was simply to pay double the value of the object in dispute (Exod. 22:9).

Kidnapping was a capital offense in both codes (*cf.* Exod. 21:16). In the Hammurabi laws the reception of a fugitive slave was likewise punishable by death. This is in striking contrast to the Deuteronomic code, which enacts:

Thou shalt not deliver to his master a slave which is escaped from his master to thee; he shall dwell with thee in the midst of thee, in the place which he shall choose within one of thy gates wherever he liketh best; thou shalt not oppress him (Deut. 23:15, 16).

The object of the older code is the summary and pitiless punishment of all crime:

If anyone break a hole into a house, he shall be put to death before that hole, and be buried (21).

Almost the same language is employed in the first clause of the biblical parallel:

If the thief be found breaking in, and be smitten that he die, there shall be no blood-guiltiness for him (Exod. 22:2).

But the Israelitish law simply seeks, like modern legislation, to acquit the innocent manslayer; and in a subsequent enactment goes on to protect even the life of the thief:

If the sun be risen upon him, there shall be blood-guiltiness for him: he should make restitution; if he have nothing, then he shall be sold for his theft (Exod. 22: 3).

The consuming zeal of the earlier code to check crime and champion the oppressed is forcibly illustrated by the laws which decree that, in case the culprit is not captured, the community must compensate the one robbed or the relatives of the one kidnapped.

The next group of sixteen laws defines in detail the duties, rights, and especial privileges of officers and soldiers. The custom of having a substitute in time of war is assumed, but a failure to pay the mercenary the stipulated sum is punishable by death and the confiscation of the property of the offender. The importance of that military arm with which Hammurabi won his victories is emphasized in all these regulations. The peculiar rights, which in the Jewish priestly law were accorded to the guardians of Jehovah's temple, the Levites (Lev. 25: 32-34), are guaranteed to the soldiers of the king; their hereditary possessions cannot be permanently alienated. Furthermore,

If anyone buy the field, garden, and house of a chieftain, man or one subject to quit-rent, his contract tablet of sale shall be broken (declared invalid) and he loses his money. The field, garden, and house return to their owners (37).

If a soldier is captured in war, he shall not be allowed to sell his lands or house to purchase his freedom, but the temple of his community must furnish the means, or, if there is no money in the temple treasury, the sum must be taken from the royal exchequer. Favorable provisions are also made for the rent of their lands while soldiers are absent on campaigns.

The importance of agriculture and the extent of Hammurabi's well-known interest in it are evinced by the presence of no less than twenty-four laws relating to this one occupation. For all the ordinary exigencies, which might arise, distinct provisions are made. Thus:

If a man rent his field for tillage for a fixed rental, and receive the rent of his field, but bad weather come and destroy the harvest, the injury falls upon the tiller of the soil (45).

If anyone be too lazy to keep his dam in proper condition and does not so

keep it; if then the dam break and all the fields be flooded, then shall he in whose dam the break occurred replace the corn which he has caused to be ruined (53).

If he be not able to replace the corn, then he and his possessions shall be sold for money, and the money shall be divided among the farmers whose corn he has flooded (54).

As a rule the laws favor the landlord rather than the tenant, their aim evidently being to incite the tillers of the soil to spare no effort in developing its resources. One enactment, however, reflects a more humane spirit and recalls the Hebrew regulation which provided for the remission of interest on the seventh year of rest:

If anyone owe a debt for a loan, and a storm prostrates the grain, or the harvest fail or the grain does not grow for lack of water; in that year he need not give his creditor any grain, he washes his debt-tablet in water [a symbolic action indicating the inability to pay] and pays no rent for this year (48).

Shepherds are recognized as a class in the community in two laws which enact that they shall pay to the owner of a field a specified sum for injury done to his crops by their flocks as a result of their carelessness or deliberate action. The close similarity of the corresponding Hebrew law is obvious:

If a man shall cause a field or vineyard to be eaten, and shall let his beast loose, and it feed in another man's field; of the best of his own field, and of the best of his own vineyard, shall he make restitution (Exod. 22 : 5).

About thirty-five laws, relating apparently to farmers and merchants, are missing. Only eight concerning the latter class have been preserved. Some of them might well have been taken from our modern statutes:

If a merchant give an agent corn, wool, oil, or any other goods to transport, the agent shall give a receipt for the amount, and compensate the merchant therefor. Then he shall obtain a receipt from the merchant for the money that he gives the merchant (104).

If the agent is careless, and does not take a receipt for the money which he gave the merchant, he cannot consider the unreceipted money as his own (105).

Four laws relate to tavern-keepers (who appear always to have been women). One enactment specifies that:

If conspirators meet in the house of a tavern-keeper, and these conspira-

tors are not captured and delivered to the court, the tavern-keeper shall be put to death (109).

The next group includes fifteen miscellaneous laws concerning property held in trust and the obligations and rights of debtors. The principle underlying the biblical law,

If anyone sin, and commit a trespass against the Lord, and deal falsely with his neighbor in a matter of deposit, or of a bargain, or of robbery, or have oppressed his neighbor; then it shall be, if he have sinned, and is guilty, that he shall restore that which he took by robbery, or the thing which he hath gotten by oppression, or the deposit which was committed to him, or the lost thing which he found, or anything about which he hath sworn falsely; he shall even restore it in full, and shall add the fifth part more thereto: unto him to whom it appertaineth shall he give it, in the day of his being found guilty (Lev. 6 : 2, 4, 5),

is applied more vigorously and with detailed specifications :

If anyone be on a journey and intrust silver, gold, precious stones, or any movable property to another, and wish to recover it from him; if the latter do not bring all of the property to the appointed place, but appropriate it to his own use, then shall this man, who did not bring the property to hand it over, be convicted and he shall pay five-fold for all that had been intrusted to him (112).

If property held in trust was stolen, the milder Hebrew legislation simply referred the case to the courts for decision (Exod. 22 : 7, 8), but the older code of Hammurabi enacted :

If anyone place his property with another for safekeeping, and there, either through thieves or robbers, his property and the property of the other man be lost, the owner of the house through whose neglect the loss took place shall compensate the owner for all that was given to him in charge. But the owner of the house shall try to follow up and recover his property, and take it away from the thief (125).

Imprisonment for debt was a regular custom among the Babylonians. An effort, however, was made to protect the unfortunate :

If the prisoner die in prison from blows or maltreatment, the master of the prisoner shall convict the merchant before the judge. If he was a free-born man, the son of the merchant shall be put to death; if he was a slave, he shall pay one-third of a mina of gold, and all that the master of the prisoner gave he shall forfeit (116).

Enslavement for debt was also common. It is most interesting to note that the custom of limiting the period of servitude long antedated the primitive Hebrew laws :

If anyone fail to meet a claim for debt, and sell himself, his wife, his son and daughter for money or give them away to forced labor; they shall work for three years in the house of the man who bought them or the proprietor and in the fourth year they shall be set free (117).

Although the period of service is six instead of three years, the superior philanthropic spirit of the Deuteronomic code is evident:

If thy brother, an Hebrew man, or an Hebrew woman, be sold unto thee and serve thee six years; then in the seventh year thou shalt let him go free from thee. And when thou lettest him go free from thee, thou shalt not let him go empty: thou shalt furnish him liberally out of thy flock, and out of thy threshing-floor, and out of thy winepress: as the Lord thy God hath blessed thee thou shalt give unto him (Deut. 15: 12-14).

It is, however, surprising to find the principle underlying the Old Testament law, which forbade the selling of a female captive, taken in marriage by her master, and which granted her freedom, if divorced (Deut. 21: 14), already incorporated in the older code:

If anyone fail to meet a claim for debt, and he sell the maid servant who has borne him children for money, the money which the merchant has paid shall be paid to him by the owner of the slave and she shall be freed.

That slander (vividly described as "pointing the finger at any one") is no new crime is demonstrated by the law which enacts that the one guilty should be brought before the judges and his brow marked, probably by cutting the skin or hair or by branding.

The twenty-two laws relating to adultery and divorce present many close parallels to the Old Testament enactments. Each inflicts capital punishment on both parties to an act of adultery, the one by drowning, the other by public stoning to death (Lev. 20: 10). In case a husband brings a charge of infidelity against his wife, which he cannot prove, her guilt or innocence in both codes was to be determined through trial by ordeal. In the Hammurabi code the test was to throw herself into the river; if she sank, it demonstrated her guilt. In Numb. 5: 12-28 the ordeal was conducted under the direction of the priests and consisted simply in taking an oath and drinking the so-called "water of bitterness."

The Babylonian code has several remarkable laws protecting the rights of wives. In case a husband was taken prisoner his wife was under obligation to remain loyal to him only so long as the provision which he had made sufficed for her support. If a husband deserted his wife, she was free to marry again and he could not reclaim her:

If a man wish to separate from a woman who has borne him children, or from his wife who has borne him children, then he shall give that wife her dowry, and a part of the usufruct of field, garden, and property, so that she can rear her children. When she has brought up her children, a portion of all that is given to the children, equal to that of one son, shall be given to her. She may then marry the man of her heart (137).

If there were no children, he must give her the amount of her purchase price and dowry, or else one mina of gold as alimony. The biblical law, however, sought to limit divorce to cases where there was a real reason, but it failed to make any provision for the divorced wife:

When a man taketh a wife, and marrieth her, then it shall be, if she find no favor in his eyes, because he hath found some unseemly thing in her, that he shall write her a bill of divorcement, and give it in her hand, and send her out of his house. And when she is departed out of his house, she may go and be another man's wife (Deut. 24: 1, 2).

Most interesting commentaries upon the patriarchal stories, and especially that of Sarah and Hagar (Gen. 16: 1-6), are the following laws:

If a man take a wife and this woman give her husband a maid servant, and she bear him children, but this man wishes to take another wife, this shall not be permitted to him; he shall not take a second wife (144).

If a man take a wife and she bear him no children, and he intend to take another wife: if he take this second wife and bring her into the house, this second wife shall not be allowed equality with his wife (145).

If a man take a wife and she give this man a maid servant as wife and she bear him children, and then this maid assume equality with the wife; because she has borne him children, her master shall not sell her for money, but he may keep her as a slave, reckoning her among the maid servants (146).

Three laws are found defining the legal responsibilities of husbands and wives. Five state the penalties to be inflicted for different forms of incest. As in the biblical parallels, these vary according to the degree of relationship of the guilty parties. Both

systems agree in punishing incest between mother and son with death. In the vigorous code of Hammurabi the method is by burning.

Three laws provide for the purchase of wives by their husbands. Twenty-three indicate with great minuteness the rights of inheritance. Aside from certain institutions peculiar to the ancient East which they assume, they are in principle strikingly similar to the laws in force in Christian lands today. Contrary to the Roman usage, a father could not disinherit his son without sufficient cause :

If a man wish to put his son out of his house, and declare before the judge : "I want to put my son out," then the judge shall examine into his reasons. If the son be guilty of no great fault, for which he can be rightfully put out, the father shall not put him out (168).

The following law well illustrates the highly developed character of this code :

If a widow, whose children are not grown, wishes to enter another house (remarry), she shall not enter it without the knowledge of the judge. If she enter another house, the judge shall examine the estate of the house of her first husband. Then the house of her first husband shall be intrusted to the second husband and the woman herself as managers. And a record must be made thereof. She shall keep the house in order, bring up the children, and not sell the household utensils. He who buys the utensils of the children of a widow shall lose his money, and the goods shall return to their owners (177).

Nine laws protect the rights of adopted children, indicating that adoption was a common practice in ancient Babylonia. One enactment enforces the obligations of nurses to the children put in their charge ! Another declares :

If a son strike his father, his hand shall be hewn off.

In this respect the older code was less stern than the Hebrew which regarded filial obedience as the basis of social order and religion, and hence decreed that

He that smiteth his father, or his mother, shall be surely put to death (Exod. 21 : 15).

Twenty laws define the penalties for personal injuries. As in the biblical codes, the principle which applies to injuries inflicted by equals is, "eye for eye and tooth for tooth." The originals

of this later formula, which reflects the ancient Semitic usage, at last are at hand :

If a man put out the eye of another man, his eye shall be put out (196). If he break another man's bone, his bone shall be broken. If a man knock out the teeth of his equal, his teeth shall be knocked out (200).

A definite money compensation was stipulated in case the one injured was a freedman or a slave. In this group the biblical parallels are many. The most striking are :

If during a quarrel one man strike another and wound him, then he shall swear, "I did not injure him wittingly," and pay the physician (206), and

If men strive together, and one smite another with a stone, or with his fist, and he die not, but keepeth his bed ; if he rise again and walk abroad upon his staff, then shall he that smote him be quit : only he shall pay for the loss of his time, and shall cause him to be thoroughly healed (Exod. 21 : 18, 19).

If a man strike a freeborn woman so that she lose her unborn child, he shall pay ten shekels for her loss (209). If the woman die, his daughter shall be put to death (210), and

If men strive, and hurt a woman with child, so that her fruit depart from her, and yet no mischief follow : he shall be surely punished, according as the woman's husband will lay upon him ; and he shall pay as the judges determine. But if any mischief follow, then thou shalt give life for life (Exod. 21:22, 23).

The prominence of physicians, whose presence in ancient Babylonia has hitherto hardly been suspected, is revealed in thirteen laws specifying the exact fees which shall be paid for different operations. These differ according to the standing of the patients. For the more important operations, as, for example, in opening a dangerous tumor, the fee was ten shekels in money for a native Babylonian, five for a freedman, and two for a slave. If upon an ass or an ox, the fee was one-sixth of a shekel, but if he kill the animal, the veterinary surgeon must pay the owner one-fourth of its value. The difficulties which beset the medical profession are further suggested in the following :

If a physician make a large incision in the slave of a freed-man, and kill him, he shall replace the slave with another slave (210).

If he had opened a tumor with the operating knife, and put out his eye, he shall pay half his value (220).

Two laws define the responsibilities of barbers, six those of house-builders, two those of ship-builders, and five those of sailors. Contractors must compensate in full with their property or life for all losses resulting from their carelessness or incapacity:

If a builder build a house for someone, and does not construct it properly, and the house which he built fall in and kill its owner, then that builder shall be put to death (229).

If it kill the son of the owner, the son of that builder shall be put to death (230).

If it ruin goods, he shall make compensation for all that has been ruined, and inasmuch as he did not construct properly this house which he built, and it fell, he shall re-erect the house from his own means (232).

The concluding group of forty-two heterogeneous laws were intended to regulate labor. Sixteen specify the obligations and rights of those who own oxen and asses and define the exact amount which shall be paid each year for the services of an ox-driver or a plow-ox. Although the language of the two laws is very similar, the estimate of the value of life is very different in the Babylonian and biblical systems :

If an ox be a goring ox, and it is shown that he is a gorer, and he do not bind his horns, or fasten the ox up, and the ox gore a freeborn man and kill him, the owner shall pay one-half a mina in money (251),

and

If an ox gore a man or woman, that they die, the ox shall be surely stoned, and his flesh shall not be eaten ; but the owner of the ox shall be quit. But if the ox were wont to gore in time past, and it hath been testified to his owner, and he hath not kept him in, but that he hath killed a man or a woman ; the ox shall be stoned and his owner also shall be put to death. If there be laid on him a ransom, then he shall give for the redemption of his life whatsoever is laid upon him (Exod. 21 : 28-30).

In the case of slaves, however, the two codes agree :

If he kill a man's slave, he shall pay one-third of a mina (252).

If the ox gore a man servant or a maid servant he shall give unto their master thirty shekels of silver and the ox shall be stoned (Exod. 21 : 32).

Herdsmen are also held responsible for all accidents which happen to their flocks through their carelessness.

From an economic point of view the attempt which is made in a group of ten enactments to fix the price of labor as well as the rent paid for ferry-boats, ships, and beasts of burden is exceedingly interesting. It well illustrates the despotic, and yet, on the whole, beneficent, parentalism which characterizes the entire code.

That these remarkable laws conserved the welfare of Hammurabi's subjects cannot be questioned. Their faults were those inherent in the institutions of ancient Babylonia. Their cruel severity in certain respects, their disregard of the sanctity of life, and their laxness in other respects reflect the imperfect standards of their age. They are, however, the laws not of a barbarous, but rather of a highly civilized people. In detailed exactness they surpass the codes of the Old Testament. That in some cases they exerted a direct and in many others a powerful indirect influence upon the laws and institutions of the Hebrews is historically probable and practically demonstrable. In this respect they simply confirm a conclusion long held by modern biblical scholars. At the same time it must not be forgotten that the points of resemblance are frequently due to common conditions and the same oriental setting. The points of radical difference are equally suggestive. No one can fail to recognize the higher moral standards reflected in the Old Testament laws. They necessarily retain many old Semitic usages and legal principles, but the aim of the Israelitish lawgivers is constantly to ameliorate the wrongs inherent in them. They do not favor the rich and powerful nor place heavy burdens on the toilers of the land, but ever seek to relieve the weak and oppressed. The Hammurabi code represents the enactments of a tyrant, guided by a surprisingly high sense of justice and influenced by a beneficent purpose; while the Old Testament contains the laws of an essentially democratic people, dominated, not only by an exalted ideal of justice, but also by a genuine love for humanity.

It is impossible not to compare these two codes, which come from the Semitic past; and yet their real relationship is that of successive parts or stages in a great ethical movement, which began in dim antiquity; first became definite and was recorded

in the laws of Hammurabi (2250 B. C.); reappeared in nobler form in the primitive Old Testament codes (Exod., chaps. 20–23; *circa* 800 B. C.)—the close resemblance of which to the older has found constant illustration; later expanded into the philanthropic enactments of the book of Deuteronomy (*circa* 600 B. C.), and subsequently into the detailed priestly laws (*circa* 550–450 B. C.); and finally found its simplest, most personal, profound, and perfect expression in the teachings of Jesus. The united testimony of Hammurabi, of the Old Testament lawgivers, and of the Great Teacher of Nazareth is that the Divine was thus speaking in the life of man to man. The character of these laws and their effect upon humanity are the supreme demonstration of their divine origin.